

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

SOURCE ONE STAFFING, INC.

Defendant.

Civil Action No. 15-cv-1958

JURY TRIAL DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended, 42 U.S.C. § 2000e *et seq.*, Title I of the Americans with Disabilities Act of 1990 (“ADA”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of race and disability, and to provide appropriate relief to a class of employees who were adversely affected by such practices.

JURISDICTION AND VENUE

1. Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3), Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a, and Section 107(a) of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12117(a), which incorporates by reference Section 706 and Section 707 of Title VII, 42 U.S.C. § 2000e-5, and § 2000e-6.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Northern District of Illinois.

PARTIES

3. Plaintiff, the U.S. Equal Employment Opportunity Commission (“EEOC” or “Commission”), is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and Title I of the ADA, and is expressly authorized to bring this action by Section 706(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. Defendant, Source One Staffing, Inc. (“Source One”), is an Illinois corporation. At all relevant times, Source One has been and is now a corporation doing business in the Northern District of Illinois, and has had and now has at least fifteen (15) employees.

5. At all relevant times, Source One has been and is now an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h), and Section 101(5) and (7) of the ADA, 42 U.S.C. §12111(5) and (7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

6. At all relevant times, Source One has been and is now an employment agency within the meaning of Section 701(c) of Title VII, 42 U.S.C. §§ 2000e(c), and Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

7. At all relevant times, Source One has been and is now the employer of all individuals assigned to work for one of its clients on a temporary or “temp to hire” basis.

STATEMENT OF CLAIMS

8. Pursuant to 29 C.F.R. 1601.12, more than thirty (30) days prior to the institution of this lawsuit, EEOC Commission Chai R. Feldblum filed two charges with the EEOC alleging violations of Title VII and the ADA by Source One. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least 2010, Source One has engaged in unlawful employment practices in violation Sections 102(a) and 102(d)(2) of the ADA. These practices include, but are not limited to, the following: asking impermissible pre-employment inquiries likely to elicit information about an applicant's disability; maintaining a policy that forced applicants to disclose disability related information prior to receiving a conditional or final offer of employment; using a qualification standard or other selection criteria that tends to screen out individuals with disabilities; and failing to hire a class of individuals on the basis of their disability.

10. Since at least 2010, Source One has engaged in unlawful employment practices in violation of Sections 703(a) and (b) of Title VII, 42 U.S.C. §§ 2 (b) failing or refusing to refer a class of employees for certain job assignments, either on its own initiative or in compliance with discriminatory client requests, because of their race and/or national origin.

11. The unlawful employment practices complained of in Paragraphs 9 and 10 were and are intentional.

12. The unlawful employment practices complained of in Paragraphs 9 and 10 were and are done with malice or reckless indifferent to the federally protected rights of a class of employees.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Source One Staffing, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in retaliation and any employment practice which discriminates on the basis of race or disability;

B. Order Defendant Source One Staffing, Inc. to institute and carry out policies, practices, and programs which provide equal employment opportunities on the basis of race and disability, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant Source One Staffing, Inc. to make whole a class of employees by providing back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of the unlawful employment practices described above;

D. Order Defendant Source One Staffing, Inc. to make whole a class of employees by providing compensation, in amounts to be determined at trial, for past and future pecuniary losses resulting from the unlawful employment practices described above;

E. Order Defendant Source One Staffing, Inc. to make whole a class of employees by providing compensation, in amounts to be determined at trial, for past and future non-pecuniary losses—including but not limited to emotional pain, suffering, loss of enjoyment of life, and humiliation—resulting from the unlawful employment practices described above;

F. Order Defendant Source One Staffing, Inc. to pay a class of employees punitive damages, in amounts to be determined at trial, for its intentional, malicious, and/or reckless conduct;

G. Grant such further relief as the Court deems necessary and proper to protect the public interest; and

F. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all issues of fact raised by its Complaint.

Date: March 4, 2015

Respectfully submitted,

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